

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

A.G., a minor child; D.A., a minor child; )  
A.L., a minor child; M.K., a minor child; )  
and M.H., a minor child; )  
PLAINTIFFS, )  
VS. )  
AUTauga COUNTY BOARD OF )  
EDUCATION, et al., )  
DEFENDANTS. )

CASE NO: 2:05-CV-1090-MEF

**B.H., a minor child, by and through his  
mother and next of friend, D.S.,** )  
 )  
**PLAINTIFFS,** )  
 )  
**VS.** )  
 )  
**AUTAUGA COUNTY BOARD OF** )  
**EDUCATION, et al.,** )  
 )  
**DEFENDANTS.** )

## DEFENDANT'S THIRD MOTION IN LIMINE

**COMES NOW** Defendant Autauga County Board of Education and moves this Honorable Court for an order in limine prohibiting any testimony, reference, or statement by plaintiffs' expert witness Dr. Marianne Rosenzweig about Board policy or procedure. In further support of this motion, this defendant states as follows:

1. Plaintiffs' expert witness, Dr. Rosenzweig, provided a report and deposition testimony on the Board's sexual harassment policy and procedure.

2. However, under Federal Rule of Evidence 702, plaintiffs' expert is not qualified to provide trial testimony on any discrimination or sexual harassment policy or procedure of Defendant Autauga County Board of Education.

3. Further, any such testimony is immaterial and irrelevant to the issue remaining in this case. See F.R.E. 402.

4. Dr. Rosenzweig's general template on sexual harassment policy and procedure in educational institutions, which is listed as Exhibit #49 on plaintiffs' Exhibit List, is also immaterial and irrelevant under F.R.E. 402.

5. Defendant has filed a brief concurrently herewith, along with portions of the deposition testimony of Dr. Rosenzweig.

WHEREFORE, PREMISES CONSIDERED, Defendant Autauga County Board of Education respectfully requests an order in limine prohibiting any testimony, statement or reference to any opinion regarding this defendant's sexual harassment policy and procedure.

Respectfully submitted,

s/Katherine C. Hertberg

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**CERTIFICATE OF SERVICE**

I hereby certify that I have on this **18<sup>th</sup>** day of **May, 2007**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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